

1 to find out what category we're in.

2 Q We're in education.

3 A Okay. It was included because it was a discussion  
4 of alcohol abuse with respect to college campuses.

5 Q Is it, is it your testimony that all of the  
6 information contained under Network is responsive to local  
7 Baltimore issues?

8 A The issue of education and -- there are actually  
9 really two issues. There's an issue of alcohol and drug abuse  
10 and there's an issue of education. These issues, while you  
11 may be -- we may be discussing something that's going on at  
12 the University of Virginia, which is really right down the  
13 road from Maryland, that has relevance to universities in  
14 Maryland just as much as it would have relevance to  
15 universities in Virginia. These are not issues that are only  
16 germane to a single state.

17 Q Okay. If you would turn to SH3-0794. The entry for  
18 10/1/91 has been deleted. That says, "Government -- Governor  
19 of South Carolina Campbell criticizes U.S. public school  
20 education." Do you know why that was deleted?

21 A I don't recall.

22 Q Did you have any discussion with anyone about  
23 deleting this?

24 A I -- we discussed a lot of -- I discussed a lot of  
25 things with counsel. I just don't recall that particular

1 issue.

2 Q Or the one before it?

3 A As I said before, I don't recall.

4 Q Okay. Would you turn to SH3-0810?

5 A Yes.

6 Q I would just like to ask you about the entries under  
7 Network for June 3rd and June 4th, and can you tell me how  
8 those relate to local Baltimore issues, and you can include  
9 June 2nd in that, as well?

10 A These were stories that were aired on WMAR-TV during  
11 the relevant period and dealt with the issues that are noted  
12 here, crime and the criminal justice system. Again, as I said  
13 before, just because an issue doesn't involve a specific  
14 instance or a specific event in the Baltimore metropolitan  
15 area does not mean that it doesn't have relevance to the  
16 Baltimore metropolitan area.

17 Q So, in other words, you included some network news  
18 about things that occurred in California or New Hampshire  
19 under material that was relevant to the Baltimore area?

20 A Well, it's logical to assume --

21 MR. HOWARD: Your Honor, that's not -- that's a  
22 mischaracterization of the testimony. I object.

23 JUDGE SIPPEL: Well, I'll sustain the objection.  
24 Where does this, where does -- where do these localities tie  
25 in here?

1 MS. SCHMELTZER: Well --

2 JUDGE SIPPEL: It says local and you said, for  
3 example, on June 2 of '91 the first item is Townsend  
4 Marketplace worker murdered.

5 MS. SCHMELTZER: I'm looking at SH3-0810.

6 JUDGE SIPPEL: That's what I am looking at.

7 MS. SCHMELTZER: June 2. The network says, "Expose"  
8 - Is the Japanese mafia involved in the buying of the  
9 prestigious Pebble Beach golf course?"

10 JUDGE SIPPEL: Oh, you're on the network side of the  
11 list?

12 MS. SCHMELTZER: Right, right, on the network side.

13 JUDGE SIPPEL: And what's the question?

14 MS. SCHMELTZER: And my question was how is this  
15 relevant to Baltimore.

16 JUDGE SIPPEL: I think you've already answered that.

17 WITNESS: Yes.

18 JUDGE SIPPEL: All right. Now, do you have a  
19 follow-up question?

20 MS. SCHMELTZER: My follow-up question was if  
21 something occurred in California relating to crime would you  
22 include that as being responsive to a Baltimore issue?

23 MR. HOWARD: That -- there's a misapprehension in  
24 the question in terms of what the -- it's not -- it's  
25 irrelevant as to whether it responded to a Baltimore issue.

1 The witness has testified that the issues of crime and the  
2 criminal justice system as they may have applied elsewhere are  
3 relevant to the interests of the Baltimore community. That's  
4 the basis for it being in here and, thus, to have this  
5 repetitive questioning about whether she -- the particular  
6 instance is relevant to Baltimore is irrelevant.

7 JUDGE SIPPEL: I'll sustain the objection. Go  
8 ahead.

9 MS. SCHMELTZER: I'd like you to go back to SH3-  
10 0825, Ms. Barr.

11 JUDGE SIPPEL: I'm sorry. Would you repeat that  
12 number for me?

13 MS. SCHMELTZER: SH3-0825.

14 WITNESS: Yes.

15 BY MS. SCHMELTZER:

16 Q And if you would look at the entry on the right-hand  
17 side for 9/24/91 which says, "Amnesty International  
18 investigates reports of abuse by the Los Angeles Sheriff's  
19 office." Can you tell me why that item was deleted?

20 A I don't recall specifically.

21 Q And if you would also look down on 9/30/91, "Gang  
22 problems not exclusively in big cities," do you know why that  
23 was deleted?

24 A I don't recall specifically.

25 Q And I'd like to turn your attention next to page

1 SH3-0846. This is under the category Health and Safety. And  
2 specifically the line, the line item for 6/23/91 on the right-  
3 hand side which says, "Health insurance fraud has become a  
4 business of it's own." Do you know why that was deleted?

5 A I don't recall.

6 Q If you would go over to SH3-0855.

7 A Okay.

8 Q There are, there are entries for 9/13/91, "Real Life  
9 with Jane Pauley." The issue is teenagers and steroids. And  
10 9/17/91, "Bristol-Myers discontinues heart drug Enkaid because  
11 of misuse and complications." Again, this is the Health  
12 category and those were deleted. Do you know why?

13 A If you would permit me to look at the programs  
14 schedule I might be able to tell you why some of these were  
15 deleted.

16 Q And which is the programs schedule? Attachment A?

17 A Attachment A.

18 Q Well, would you look at Attachment A, please?

19 A The entry on 9/13/91 was deleted because we could  
20 not carry the show that night.

21 Q And the entry for 9/17/91?

22 A I don't -- because the time is not indicate here I  
23 cannot say this with certainty. However, in looking at the  
24 programs schedule for 9/17/91, we were carrying the baseball  
25 game that night and had preempted NBC for most of prime time.

1 Q Ms. Barr, what did you do with the documentation you  
2 received from NBC after you received it? Did you keep that at  
3 the station?

4 A I stated earlier that I made a Xerox copy of it and  
5 then I sent the copies to counsel.

6 Q Did you also keep a copy at the station?

7 A Yes, I did.

8 Q And what did you do with the correspondence with  
9 NBC? Did you keep that at the station?

10 A The -- are you talking about the memo that's Exhibit  
11 --

12 Q Exhibit 19.

13 A -- 19?

14 Q Right.

15 A It went into a file at the station.

16 Q And did it remain in that file at the station?

17 A Yes, it did.

18 Q Until you were asked to produce it in this  
19 proceeding?

20 A That's correct.

21 Q And that was as of October -- as of the judge's  
22 ruling about a week ago?

23 A I think. I don't remember the date, but yes, it was  
24 recently.

25 Q This is the letter that you faxed to NBC on August

1 10, 1992?

2 MR. HOWARD: Your Honor, I object to this line of  
3 inquiry as being redundant. We've gone through this material  
4 as well before, how this document came to be produced.

5 JUDGE SIPPEL: Why are we doing this?

6 MS. SCHMELTZER: Your Honor, you indicated that I  
7 could go into this. This is the letter that was just produced  
8 last week.

9 JUDGE SIPPEL: For what purpose did I say you could  
10 go into this now?

11 MS. SCHMELTZER: This was the correspondence with  
12 NBC that asked for documents back in 1992.

13 JUDGE SIPPEL: Well, we've -- you've gotten part of  
14 this in the record now, your Exhibit 19. Isn't that right?

15 MS. SCHMELTZER: Right.

16 JUDGE SIPPEL: And we've already examined the  
17 witness on it. Are you concerned about its -- the process by  
18 which it was turned over to you?

19 MS. SCHMELTZER: Yes.

20 JUDGE SIPPEL: Well, why? What's there to indicate  
21 that there's a problem?

22 MS. SCHMELTZER: Well, I'd like to ask Ms. Barr why  
23 she told me at her deposition on July 16th that she did not  
24 have a copy of this letter.

25 JUDGE SIPPEL: All right.

1 MR. HOWARD: Your Honor, discovery is -- it was  
2 recognized that she made a mistake and the letter has now been  
3 produced.

4 MS. SCHMELTZER: I don't think it's been testified  
5 to.

6 JUDGE SIPPEL: Well, she wanted to cross-examine.  
7 She thinks she -- I understand. I understand. Go ahead.

8 BY MS. SCHMELTZER:

9 Q Do you recall telling me at your deposition, Ms.  
10 Barr, that you didn't have a copy of this letter?

11 A Yes, I do.

12 Q Well, when did you discover the copy of the letter?

13 A After I went back through my files on several  
14 occasions and I found it.

15 Q That was after your deposition?

16 A After my deposition.

17 Q Approximately when after your deposition?

18 A It was not until quite recently. As soon as I found  
19 it I turned it over to counsel.

20 Q And when was that?

21 A That was, as I stated a moment ago, very recently,  
22 but I don't remember the exact date. I've done a lot of file  
23 searching in the last two years and I just don't remember  
24 every time I looked through my files and found a document.  
25 I'm sorry.



1 Q And you didn't look back through your files after  
2 the deposition?

3 A I -- as I just said, I have been doing a lot of  
4 looking through my files for documents relating to this case  
5 and I have spent a lot of time working on it and I do not  
6 remember exactly how many times I went looking for this  
7 document. I know that when I found it I turned it over to  
8 counsel.

9 Q Was that prior to October 27, 1993 that you turned  
10 it over to counsel?

11 A I don't -- I just said I don't remember the exact  
12 date.

13 Q Do you have any documentation that would show when  
14 you turned it over to counsel?

15 A No. I found the document in my files and I sent it  
16 to counsel.

17 Q Was it after the judge ordered that it be produced?

18 A I don't -- I just --

19 MR. ZAUNER: Objection. Would she know the date the  
20 judge ordered it to be produced?

21 JUDGE SIPPEL: Well, she may know that. I mean,  
22 this is a relatively recent event. Let's find out what the  
23 witness can answer. This is cross-examination. Do you know  
24 the date that I issued an order requiring this to be produced?

25 WITNESS: I don't know the date that you issued the

1 order.

2 JUDGE SIPPEL: That was my Order 93-M685. It was  
3 released on October the 29th, issued on the 27th, so counsel,  
4 I'm sure, received it sometime between the 27th and the 29th.

5 MS. SCHMELTZER: We received the document by noon on  
6 the 27th.

7 JUDGE SIPPEL: Well, I'm sure Scripps Howard's  
8 counsel had it the same time or about that time. So you can  
9 ask the questions with respect to on or about the 27th of  
10 October.

11 BY MS. SCHMELTZER:

12 Q Did you, did you turn the document over to your  
13 counsel on or about the 27th of October or prior to that time?

14 A Well, if you received it on the 27th, I turned it  
15 over to them prior to that.

16 Q Was it the day before? Was it a few days before?

17 A I don't recall the exact date.

18 Q Do you have in mind the day that your, your counsel  
19 turned it over to us? Were you aware at that point that your  
20 counsel had turned the document over to us?

21 A Now, with all due respect, these orders come in --  
22 literally every day there is another one of these types of  
23 orders, and I, I read them all, but I don't know which one  
24 came in with respect to this particular document. As soon as  
25 I was asked to look for it again I found it. There were, as I

1 | stated earlier, many, many files relating to this case and I  
2 | found it after going through the files for what was probably  
3 | the umpteenth time, and as soon as I found it I called counsel  
4 | and I advised him that I had it and I sent it to him.

5 |       Q     But you don't recall what date that was?

6 |           MR. HOWARD:  Objection.

7 |           MS. SCHMELTZER:  Did you fax it to him?

8 |           JUDGE SIPPEL:  Wait.  Just a second.  Just a second.  
9 | Yeah.  What's the objection?

10 |          MR. HOWARD:  Asked and answered.

11 |          JUDGE SIPPEL:  All right.  Sustained.  I think --  
12 | you know, if you just keep going it's going, it's going to do  
13 | nothing but muddle the record.  The witness is --

14 |          MS. SCHMELTZER:  No.  I had a slightly different  
15 | question.

16 |          JUDGE SIPPEL:  Let's have the slightly different  
17 | one.

18 |          BY MS. SCHMELTZER:

19 |       Q     Do you review pleadings that are filed by Scripps  
20 | Howard in this pleading -- proceeding?

21 |       A     I look over what is sent to me generally, yes.

22 |          JUDGE SIPPEL:  Are we moving to another area now?

23 |          MS. SCHMELTZER:  No.  We're still on this area.

24 |          MR. HOWARD:  I'm going to object to this line on the  
25 | grounds of relevancy, Your Honor.

1 JUDGE SIPPEL: I'm, I'm getting a little bit short  
2 on this point.

3 MS. SCHMELTZER: I'd like to ask, I'd like to ask  
4 the witness if she reviewed the Opposition to Request for  
5 permission -- yeah. I'd like to ask the witness if she  
6 reviewed the Opposition to the Request for permission to file  
7 an appeal of the order denying the Request for Issuance of a  
8 Subpoena Duces Tecum. This was filed on October 26, 1993.

9 JUDGE SIPPEL: I'm not going to permit this. No,  
10 I'm not going to permit this. The witness has testified.  
11 She's given you her story in terms of what transpired from the  
12 time of the deposition to the time that this, this document  
13 was turned over, and that's -- as far as I'm concerned, that's  
14 the end of the subject. I don't see any purpose for going  
15 through documents such as you're referring to.

16 MS. SCHMELTZER: Well, the reason that I -- if I can  
17 make a proffer here?

18 JUDGE SIPPEL: You can make a proffer.

19 MS. SCHMELTZER: The reason that I would like to ask  
20 the witness about that is because that opposition which was  
21 filed on October 26, 1993 says, "Four Jacks seeks documents  
22 for a broad time period that may or may not exist," and this  
23 concerns the correspondence with NBC.

24 JUDGE SIPPEL: Well, that's a pleading, but you got  
25 the document. We had a conference and you got the document.

1 I mean, in this -- I mean, whatever qualifications this lady  
2 has I don't think she's drafting documents to the lawyer based  
3 on pleadings. I'm -- if there's -- there's a pending  
4 objection to this line of questioning. I think I've already  
5 sustained it. I'll sustain it again. Please move on to  
6 another area.

7 BY MS. SCHMELTZER:

8 Q Ms. Barr, I'd like to turn your attention for a  
9 moment to Attachment L which is material concerning Contact 2.

10 A Yes.

11 Q Were you the person directly responsible for Contact  
12 2 during the license renewal period, specifically May 30 to  
13 September 3, 1991?

14 A I was not directly responsible. I had input in what  
15 went on in the Contact 2 office, but I was not directly  
16 responsible.

17 Q Was the staff of Contact 2 largely a volunteer  
18 group?

19 A Yes, it is.

20 Q And is it the volunteer that answers the call that  
21 comes in?

22 A Generally speaking, yes.

23 Q Is it the volunteer that writes up the program?

24 A What do you mean by program?

25 Q Oh, I'm sorry, that writes up the problem.

1 A Yes, writes up the problem, yes.

2 Q Do you know if it's the volunteer who makes the  
3 determination that the case is closed?

4 A The volunteer does so in concert with the producer  
5 who works -- who runs the office.

6 Q And who is the -- was the material that's contained  
7 in, in Attachment L, when was that prepared?

8 A That was prepared over the summer and over the fall  
9 of 1992.

10 Q Now, is a, is a particular episode that's aired for  
11 Contact 2, is that dependent on the willingness of the  
12 complainant to appear on the -- on television?

13 A That's one, one factor involved in determining  
14 whether or not it will air.

15 Q And is Contact 2 a program that started under these  
16 stewardship of Gillette Broadcasting?

17 A Yes. I believe it started four years ago.

18 Q I'd like to ask you about the program that was aired  
19 at the September town meeting. This was at the end of  
20 September of 1991.

21 A Surviving the Streets?

22 Q Right.

23 JUDGE SIPPEL: Is there a page number?

24 BY MS. SCHMELTZER:

25 Q There's a reference to it in your direct case

1 testimony, SH3-14.

2 A Yes.

3 Q You say Ms. Covington's community contacts played a  
4 role in the decision to produce that program. Are those  
5 community contacts the ones that would have been in her notes?

6 A Not necessarily.

7 Q Some of those would have been oral contacts?

8 A That's correct.

9 Q Do you have any written documentary evidence from  
10 Ms. Covington that discussions concerning that program  
11 occurred during July and August of 1991?

12 A The notation that I have that we were -- the only  
13 written notation that I have that indicates that we were  
14 working on this town meeting in July or August of 1991 is on  
15 my own calendar. There is a notation on my own calendar.

16 Q And what date is that on?

17 A Let me find that. I don't remember the exact date,  
18 so just permit me to find it.

19 JUDGE SIPPEL: All right. We'll go off the record  
20 while --

21 (Off the record.)

22 WITNESS: It's page 000115 of my calendar.

23 BY MS. SCHMELTZER:

24 Q And what does that say?

25 A At the top of the calendar under Important Matters

1 This Week is says, "Cindy/Rick town meeting." That was a  
2 notation that I wrote to myself to have a discussion with  
3 Cindy Hilbert and Rick White. Cindy Hilbert was the producer  
4 and Rick White was the director of the town meeting. We knew  
5 at that point, and in all likelihood prior to that point, that  
6 we were going to be doing a town meeting in September and we  
7 were talking in very preliminary stages about how we were  
8 going to produce this program, what it would include in terms  
9 of content and what the program itself would look like format-  
10 wise.

11 Q And what page was that on again?

12 A 000115.

13 Q 000115?

14 A Yes, SH-000115. It's the week of August 8th. Am I  
15 reading that right?

16 JUDGE SIPPEL: Yes, you're correct. Now, this is on  
17 Four J Exhibit 12.

18 BY MS. SCHMELTZER:

19 Q Okay. So that was a preliminary note to tell you to  
20 get together with Cindy and Rick?

21 A When I, when I am planning on -- when I'm making  
22 plans to work on certain issues I will often write myself  
23 notes at the top of the page just to remind myself that that  
24 week I need to take care of this particular issue, and I do it  
25 on a weekly basis so that I can remind myself of things I need



1 to get taken care of that week.

2 Q And that's the only written evidence you have of  
3 planning for the September town meeting prior to September  
4 3rd?

5 A There were other meetings that were held, but that's  
6 -- as I said, that is what I have that would indicate in  
7 writing, since you asked if I had any indications in writing,  
8 of that meeting taking place.

9 Q But this doesn't actually reflect that a meeting  
10 took place, does it? This reflects that you intended to talk  
11 -- have a meeting?

12 MR. HOWARD: Your Honor, the witness has answered  
13 the question. She shouldn't be --

14 JUDGE SIPPEL: Sustained. Sustained.

15 BY MS. SCHMELTZER:

16 Q Do you have any evidence that the September 24th  
17 town meeting was scheduled during the renewal period? Was  
18 there any written evidence of that?

19 A Our program schedule is put together three weeks  
20 prior to, to it actually airing because of T.V. Guide  
21 requirements for listings so, as a matter of general practice,  
22 we put out a program schedule three weeks -- a minimum of  
23 three weeks prior.

24 Q And so you're basing your statement that it was  
25 scheduled during the renewal period --

1           A     Well, I know, I know it was scheduled at least three  
2 weeks prior because, first of all, I knew I was working on  
3 this back in August of 1991 and I -- as I recall, we were  
4 working on it over a period of several months because the  
5 subject of crime and violence had come up with respect to  
6 street violence many times in many different discussions and  
7 had been discussed at department head meetings and at informal  
8 meetings. But, specifically, I know that it was scheduled  
9 because when you send out a program schedule to T.V. Guide and  
10 you send it out three weeks prior you are assured that the  
11 program listing will get into T.V. Guide. If you send out a  
12 correction or an update it doesn't always get in. This  
13 particular town meeting was listed in T.V. Guide which tells  
14 me with some assuredy that it was, in fact, scheduled at least  
15 three weeks prior.

16                 JUDGE SIPPEL: I think that buttons up that subject  
17 of the town meeting. I mean, go on to something else.

18                 BY MS. SCHMELTZER:

19           Q     I'd like to ask you about some of the responsive  
20 programming that WMAR-TV produced. If you would turn to SH3-  
21 28.

22           A     Yes.

23           Q     You refer to a WMAR-TV produced prime time special  
24 entitled Milo's Secret. Do you see that?

25           A     Yes, that's correct.

1 Q Was that program produced by Scripps Howard?

2 A That program was produced under Gillette's  
3 stewardship.

4 Q So when you're speaking of WMAR-TV here you mean  
5 Gillette and not Scripps Howard?

6 A Well, WMAR-TV produced the program.

7 Q But it --

8 A At the time that we produced it we were owned by  
9 Gillette Broadcasting.

10 Q So was that program produced in 1990?

11 A It was, it was produced -- I believe it was 1990.

12 Q And was the original presentation of that program in  
13 1990?

14 A It was --

15 MR. ZAUNER: Objection. What's the relevance of, of  
16 this line?

17 MS. SCHMELTZER: The relevance is that this was  
18 represented to be a WMAR-TV produced prime time special.

19 WITNESS: It was.

20 MS. SCHMELTZER: But it was not produced under  
21 Scripps Howard.

22 MR. ZAUNER: Your Honor, what we're concerned with  
23 is the programming that was broadcast by the television during  
24 the renewal period and there doesn't seem to be any doubt but  
25 that this was broadcast during that period.

1 JUDGE SIPPEL: I'll sustain the objection. The test  
2 is going to be whether or not that which was broadcast was  
3 responsive to an issue or issues that had been ascertained.

4 MS. SCHMELTZER: Are there any other places in this  
5 exhibit where you've referred to WMAR-TV and it should -- the  
6 licensee was Gillette rather than Scripps Howard?

7 MR. HOWARD: Objection.

8 MR. ZAUNER: Objection.

9 JUDGE SIPPEL: Objection sustained.

10 BY MS. SCHMELTZER:

11 Q Now, I'd like to refer you to SH3-31 and that's  
12 Environmental Concerns.

13 A Yes.

14 Q And you say those were addressed during the daily  
15 newscast? Is that correct?

16 A That's correct.

17 Q Okay. And the next paragraph goes into a cartoon  
18 program? Is that correct?

19 A That's correct.

20 Q Is it your contention that this cartoon program  
21 addressed the local needs and interests ascertained from  
22 community leaders?

23 A It's my contention that Captain Planet which was the  
24 cartoon program taught issues of importance to children about  
25 recycling, energy conservation and responsible consumerism and

1 we aired that program on a weekly basis during the renewal  
2 period.

3 Q I'd like to ask you about Hits for the Homeless.  
4 That's referred to at the top of SH3-33. Was that a program  
5 that was initiate under Gillette, an event that was initiated  
6 under Gillette?

7 MR. HOWARD: Objection, Your Honor. The question  
8 -- does she mean -- for one thing, the question is unclear.  
9 The event? Does she mean the specific event that aired in  
10 1991 or the series of events that aired annually?

11 JUDGE SIPPEL: Let's rephrase the question. Just  
12 get it --

13 MS. SCHMELTZER: Was the --

14 JUDGE SIPPEL: What's the origin of this?

15 BY MS. SCHMELTZER:

16 Q Was the event Hits for the Homeless -- was Hits for  
17 the Homeless an annual event?

18 A Hits for the Homeless was an annual program.

19 Q Was that a program that was initiated under Gillette  
20 Broadcasting of Maryland?

21 MR. HOWARD: Objection, irrelevant.

22 JUDGE SIPPEL: I'll permit it. Was it initiated  
23 under Gillette?

24 WITNESS: It was initiated by WMAR-TV when it was  
25 owned by Gillette Broadcasting.

1 MS. SCHMELTZER: I'd like to direct your attention  
2 to the next paragraph, paragraph 78, and you say --

3 JUDGE SIPPEL: You're not going to go down and --  
4 let me be -- let me caution you, Ms. Schmeltzer. I let you  
5 have that one, but you're not going to go down each of these  
6 paragraphs or the numbers on these paragraphs and ask the same  
7 question about --

8 MS. SCHMELTZER: I'm not. I'm not. It's a  
9 different question.

10 JUDGE SIPPEL: All right. I just want to warn you.

11 MS. SCHMELTZER: You speak about the September 14  
12 and 15 edition of Front Page as focusing on several of the  
13 proposed redistricting plans. And then your -- the last two  
14 sentences of the paragraph say, "Ordinary business practice  
15 was to plan the --

16 MR. ZAUNER: Objection. The witness can read the  
17 question. We don't have to read the testimony that's already  
18 in the record.

19 BY MS. SCHMELTZER:

20 Q Would you read, would you read the last two  
21 sentences of that paragraph, Ms. Barr?

22 A "Ordinary business practice was to plan this --

23 MR. ZAUNER: Objection.

24 BY MS. SCHMELTZER:

25 Q No, to yourself.

1           A     Oh, I'm sorry. You know that I can read. I'm  
2     sorry.

3                     JUDGE SIPPEL: Let her know -- let us know when  
4     you're finished reading it.

5                     WITNESS: Okay.

6                     BY MS. SCHMELTZER:

7           Q     Is that correct that redistricting was not a new  
8     issue?

9           A     Redistricting was -- I'm sorry. I have a hard time  
10    saying that word. Redistricting was the issue that had been  
11    discussed during the latter part of the summer and into the  
12    fall of 1991 and was becoming a more and more hotly debated  
13    topic as we got closer to election time.

14          Q     But wasn't that a new issue in your third quarter  
15    issues and programs list?

16                     MR. ZAUNER: Objection. What difference does it  
17    make whether it was a new issue in the third quarter issues  
18    and programs list?

19                     JUDGE SIPPEL: Well, it's -- let her develop the  
20    question, Mr. Zauner. She's on cross-examination.

21                     WITNESS: The issue of redistricting was building as  
22    we got closer to November, so it was an issue that had grown  
23    in importance and significance to the point where by the time  
24    we reached the third quarter it was, it was more of an issue  
25    than perhaps it might have been in the second quarter.

1 BY MS. SCHMELTZER:

2 Q But am I correct it was not on the second quarter  
3 issues programs list?

4 A That's correct.

5 MR. ZAUNER: Objection. The document speaks for  
6 itself.

7 JUDGE SIPPEL: It's cross-examination, Mr. Zauner.  
8 I understand, but I'm going to give a little bit of leeway if  
9 we're in an area that we're not get bogged down in.

10 MS. SCHMELTZER: Now, when you say ordinary business  
11 practice was to plan this program several weeks in advance, do  
12 you have any documentation that indicates that this program  
13 was actually planned prior to September 3, 1991?

14 MR. HOWARD: Objection that she hasn't read the  
15 entire sentence to the, to the witness for the --

16 MS. SCHMELTZER: Well, the witness has just read  
17 the, the two sentences to herself.

18 JUDGE SIPPEL: Well, you know, whether there are  
19 documents or not, I mean, she's, she's answered the question  
20 directly in terms of what she did. What -- what's -- I don't,  
21 I don't understand exactly where you're going.

22 MS. SCHMELTZER: Well, Your Honor, where I'm going  
23 is there are a lot of conclusory statements in here that  
24 things were done prior to September 3rd, but there's no  
25 documentation to indicate that.



1 JUDGE SIPPEL: Can you explain?

2 WITNESS: Sure.

3 JUDGE SIPPEL: Go ahead.

4 WITNESS: Thank you. In the ordinary course of  
5 business and in planning Front Page, which is a show that is  
6 shot on a weekly basis and then aired on Saturday nights at  
7 6:30, the way that program is ordinarily planned I would hold  
8 an informal meeting following the taping of each week's show  
9 with the host of the show, Ron Shapiro, and the producer of  
10 the show, Mike Convry, and we would sit and discuss the next  
11 several weeks' programs in terms of the content that we  
12 intended to put into these shows, the people that we intended  
13 to invite on as guests. The reason for that is because it is  
14 very difficult, particularly when you're dealing with  
15 government related issues, to get these guests booked. You  
16 need to book them sometimes two, three weeks in advance in  
17 order to insure that you will be able to have them on the show  
18 on a Friday morning when the normal time was that we taped  
19 that program. So that is why I made the statement that the  
20 ordinary business practice was to plan this program several  
21 weeks in advance.

22 BY MS. SCHMELTZER:

23 Q And did you look at your calendar to see whether you  
24 had any meetings reflecting whether, in fact, this was planned  
25 several weeks in advance?